

House File 703 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 131)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning private sector employee drug testing.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 HF 703
4 ec/es/25

PAG LIN

1 1 Section 1. Section 730.5, subsection 1, paragraph b, Code
1 2 2005, is amended to read as follows:
1 3 b. "Confirmed positive test result" means, except for
1 4 alcohol testing conducted pursuant to subsection 7, paragraph
1 5 "f", subparagraph (2), the results of a ~~blood, urine, or oral~~
1 6 ~~fluid drug~~ test in which the level of controlled substances or
1 7 metabolites in the ~~specimen sample~~ analyzed meets or exceeds
1 8 nationally accepted standards for determining detectable
1 9 levels of controlled substances as adopted by the ~~federal~~
1 10 ~~United States department of health and human services'~~
1 11 ~~substance abuse and mental health services administration.~~ If
1 12 nationally accepted standards for ~~oral fluid~~ tests ~~on a~~
1 13 ~~particular specimen~~ have not been adopted by the ~~federal~~
1 14 ~~United States department of health and human services'~~
1 15 ~~substance abuse and mental health services administration,~~ the
1 16 standards for determining detectable levels of controlled
1 17 substances for purposes of determining a confirmed positive
1 18 test result shall be the same standard that has been
1 19 ~~established cleared or approved by the federal~~ United States
1 20 department of health and human services' food and drug
1 21 administration for the measuring instrument used to perform
1 22 the oral fluid test particular specimen testing utilized.
1 23 Sec. 2. Section 730.5, subsection 1, paragraph k, Code
1 24 2005, is amended to read as follows:
1 25 k. "Sample" means such sample from the human body capable
1 26 of revealing the presence of alcohol or other drugs, or their
1 27 metabolites, ~~which shall include only urine, saliva, breath,~~
1 28 ~~and blood.~~ However, "sample" does not mean blood except as
1 29 authorized pursuant to subsection 7, paragraph "l".
1 30 Sec. 3. Section 730.5, subsection 7, paragraph b, Code
1 31 2005, is amended to read as follows:
1 32 b. Collection of a ~~urine~~ sample for testing of current
1 33 employees shall be performed so that the specimen is split
1 34 into two components at the time of collection in the presence
1 35 of the individual from whom the sample or specimen is
2 1 collected. The second portion of the specimen or sample shall
2 2 be of sufficient quantity to permit a second, independent
2 3 confirmatory test as provided in paragraph "i". ~~The~~ If the
2 4 sample is urine, the sample shall be split such that the
2 5 primary sample contains at least thirty milliliters and the
2 6 secondary sample contains at least fifteen milliliters. Both
2 7 portions of the sample shall be forwarded to the laboratory
2 8 conducting the initial confirmatory testing. In addition to
2 9 any requirements for storage of the initial sample that may be
2 10 imposed upon the laboratory as a condition for certification
2 11 or approval, the laboratory shall store the second portion of
2 12 any sample until receipt of a confirmed negative test result
2 13 or for a period of at least forty-five calendar days following
2 14 the completion of the initial confirmatory testing, if the
2 15 first portion yielded a confirmed positive test result.
2 16 Sec. 4. Section 730.5, subsection 7, paragraph f,
2 17 subparagraph (2), Code 2005, is amended to read as follows:
2 18 (2) Notwithstanding any provision of this section to the

2 19 contrary, alcohol testing, including initial and confirmatory
2 20 testing, may be conducted pursuant to requirements established
2 21 by the employer's written policy. The written policy shall
2 22 include requirements governing evidential breath testing
2 23 devices, alcohol screening devices, and the qualifications for
2 24 personnel administering initial and confirmatory testing,
2 25 which shall be consistent with regulations adopted as of
2 26 ~~January 1, 1999~~ March 15, 2005, by the United States
2 27 department of transportation governing alcohol testing
2 28 required to be conducted pursuant to the federal Omnibus
2 29 Transportation Employee Testing Act of 1991.
2 30 HF 703
2 31 ec/es/25